

KEVIN V. RYAN (CSBN 118321)
 United States Attorney

EUMI L. CHOI (WVBN 0722)
 Chief, Criminal Division

DENNIS MICHAEL NERNEY (CSBN 40989)
 Assistant United States Attorney

450 Golden Gate Avenue, Box 36055
 San Francisco, California 94102-3495
 Telephone: (415) 436-7251
 FAX: (415) 436-7234
 E-mail: michael.nerney@usdoj.gov

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,)	No.: CR 3-05-70624 BZ
)	
Plaintiff,)	
)	
v.)	[PROPOSED] ORDER EXTENDING
)	TIME FOR PRELIMINARY HEARING
ANTHONY FORTE,)	UNDER RULE 5.1(d)
)	
Defendant.)	
)	
)	

This matter came on the calendar of the Honorable Bernard Zimmerman on August 31, 2005 for preliminary hearing or arraignment. At the parties' request, the Court continued the matter until September 14, 2005 for preliminary hearing or arraignment. The defendant consented to an extension of time for the preliminary hearing under Federal Rule of Criminal Procedure 5.1(d).

The parties requested a Rule 5.1(d) extension of time until September 14, 2005 based upon the need for effective preparation of counsel. The government has recently provided discovery to the defense and the parties are engaged in discussions which might lead to pre-

~~[PROPOSED]~~ ORDER EXTENDING TIME FOR
 PRELIMINARY HEARING UNDER RULE 5.1(d)
 No.: CR 3-05-70624 BZ

indictment resolution of this case. Therefore, the parties are requesting an extension of time under Rule 5.1(d). The parties agree that the time from August 31, 2005 through September 14, 2005 should be extended under Rule 5.1(d).

Accordingly, the Court HEREBY ORDERS, for good cause shown, that the preliminary hearing should be extended under Rule 5.1(d). The Court finds that the parties' request, made with the defendant's consent and upon a showing of good cause, outweighs the public interest in the prompt disposition of criminal cases. See Fed. R. Crim. P. 5.1(d)

SO ORDERED.

DATED: September 9, 2005


~~HONORABLE BERNARD ZIMMERMAN~~
UNITED STATES MAGISTRATE JUDGE

Approved as to form:

_____/S/
HARRY C. SINGER
Attorney for Defendant

_____/S/
DENNIS MICHAEL NERNEY
Assistant United States Attorney

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of:

**ORDER EXTENDING TIME FOR PRELIMINARY HEARING UNDER
RULE 5.1(d)**

to be served this date on the party(ies) in this action,

Via U.S. Mail

HARRY C. SINGER
Attorney at Law
P.O. Box 590879
San Francisco, CA 94159
Phone: 415-885-5916
Fax: 415-7509827

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: September 9, 2005

Ponly J. Tu
Legal Assistant (Immigration)
United States Attorney's Office